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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,542	01/12/2004	Hajime Kimura	07977-294002	9260

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EXAMINER	
DONG, DALEI	

ART UNIT	PAPER NUMBER
2879	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/754,542	KIMURA, HAJIME	
	Examiner	Art Unit	
	Dalei Dong	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-14, 19-25, 30-33, 38-41, 46-49, 54-56* is/are rejected.

7)☒ Claim(s) *15-18,26-29,34-37,42-45 and 50-53* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment filed on July 24, 2006, has been entered and acknowledged by the Examiner.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 6-14, 19-25, 30-33, 38-41, 46-49 and 54-56 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,717,359 to Kimura. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 6 of the present claimed invention is being anticipated by claims 1 and 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 7 of the present claimed invention is being anticipated by claims 1 and 4 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 8 of the present claimed invention is being anticipated by claim 2 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 9 of the present claimed invention is being anticipated by claim 3 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 10 of the present claimed invention is being anticipated by claims 1 and 4 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 11 of the present claimed invention is being anticipated by claim 2 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 12 of the present claimed invention is being anticipated by claim 3 of the U.S. Patent No. 6,717,359 to Kimura.

Regarding to claim 13, albeit, Kimura does not specifically discloses an operational panel, a connecting portion and a power source switch, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have

utilize an operation panel, a connecting portion and a power source switch for the portable telephone.

Claim 14 of the present claimed invention is being anticipated by claim 2 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 19 of the present claimed invention is being anticipated by claim 3 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 20 of the present claimed invention is being anticipated by claim 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 21 of the present claimed invention is being anticipated by claim 1 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 22 of the present claimed invention is being anticipated by claim 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 23 of the present claimed invention is being anticipated by claim 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 24 of the present claimed invention is being anticipated by claims 1 and 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 25 of the present claimed invention is being anticipated by claim 2 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 30 of the present claimed invention is being anticipated by claim 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 31 of the present claimed invention is being anticipated by claim 1 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 32 of the present claimed invention is being anticipated by claims 1 and 3 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 33 of the present claimed invention is being anticipated by claim 2 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 38 of the present claimed invention is being anticipated by claim 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 39 of the present claimed invention is being anticipated by claim 1 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 40 of the present claimed invention is being anticipated by claims 1 and 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 41 of the present claimed invention is being anticipated by claim 2 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 46 of the present claimed invention is being anticipated by claim 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 47 of the present claimed invention is being anticipated by claim 1 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 48 of the present claimed invention is being anticipated by claims 1 and 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 49 of the present claimed invention is being anticipated by claim 2 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 54 of the present claimed invention is being anticipated by claim 5 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 55 of the present claimed invention is being anticipated by claim 1 of the U.S. Patent No. 6,717,359 to Kimura.

Claim 56 of the present claimed invention is being anticipated by claim 1 of the U.S. Patent No. 6,717,359 to Kimura.

Allowable Subject Matter

4. Claims 15-18, 26-29, 34-37, 42-45 and 50-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding to claim 15, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 16, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 17, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 18, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 26, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 27, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 28, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically

connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 29, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 34, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 35, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 36, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 37, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 42, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 43, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 44, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 45, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically

connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 50, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 51, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 52, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Regarding to claim 53, prior art of record taken alone or in combination fails to teach or suggest forming a wire over the insulating film, wherein the wire is electrically connected to the semiconductor film through the first opening in combination with other claimed features of the present claimed invention.

Response to Arguments

4. Applicant's arguments filed July 24, 2006 have been fully considered but they are not persuasive.

In response to Applicant's argument that the prior art of record is directed to a light emitting device and fails to describe or suggest a method of manufacturing a light emitting device, the Examiner respectfully disagree. The Applicant merely claims forming the different structures of the light emitting device, and prior art teaches the light emitting device comprising all the structures of the present claimed invention and thus the Examiner interprets that the structures of the prior art has to be formed to a light emitting device. Where applicant voluntarily presents claims to the product and process, for example, in separate applications (i.e., no restriction requirement was made by the Office), and one of the applications issues as a patent, the remaining application may be rejected under the doctrine of obviousness-type double patenting, where appropriate (see MPEP § 804 - § 804.03), and applicant may overcome the rejection by the filing of a terminal disclaimer under 37 CFR 1.321(c) where appropriate. Similarly, if copending applications separately present product and process claims, provisional obviousness-type double patenting rejections should be made where appropriate. However, once a determination as to the patentability of the product has been reached any process claim directed to making or using an allowable product should not be rejected over prior art without consultation with a Technology Center Director. See MPEP 821.04.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalei Dong whose telephone number is (571)272-2370. The examiner can normally be reached on 8 A.M. to 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571)272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.D.
September 6, 2006

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